

## REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 13-23 have been canceled. Therefore, claims 1-12 are in this application and are presented for the Examiner's consideration in view of the following comments.

At the outset, Applicant respectfully notes that the Examiner has indicated on the "Office Action Summary" that claims 1-23 have been rejected. This obviously includes claims 1-12. Yet, in the Office Action itself, the Examiner has provided no reason for the rejection of claims 1-12. As such, Applicant respectfully traverses the indicated rejection of claims 1-12 on the "Office Action Summary" as without basis and requests that the Examiner provide clarification of the status of Applicant's claims 1-12.

Applicant notes for the Examiner that none of the cited references considered either singly or in combination anticipate claims 1-12. For example, U.S. Patent No. 6,326,300 issued December 4, 2001 to Liu et al. ("Liu-1") does not describe or suggest using an etch stop layer including a polymer material as required by Applicant's independent claim 1; U.S. Patent No. 6,265,319 issued July 24, 2001 to Jang ("Jang") does not describe or suggest depositing a trench dielectric layer as required by Applicant's independent claim 1; and U.S. Patent No. 6,271,127 issued August 7, 2001 to Liu et al. ("Liu-2") does not describe or suggest forming an etch stop layer over an interlevel dielectric layer as required by Applicant's independent claim 1. While Applicant does note that Jang describes use of an etch stop layer including a polymer (Jang, col. 5, ln. 62 to col. 6 ln. 12.), Jang particularly teaches away from depositing a trench dielectric layer on the etch stop layer and in holes of the via pattern as

required by Applicant's claim 1. (Jang, layer 18, FIG. 1; layer 38 FIG. 5; and layer 58, FIG. 9.)

Applicant also notes that *Liu-2* describes the use of an etch stop layer formed from a dielectric layer comprising a polymer. (*Liu-2*, col. 6, lns. 53-54). However, *Liu-2* particularly teaches away from forming an etch stop layer over the dielectric layer as required by Applicant's claim 1. Indeed, *Liu-2* particularly eliminates the need for forming a separate etch stop layer. (*Liu-2*, col. 6, lns. 28-29.)

Turning now to the specific rejections, claims 13, 15, 18-19 and 21-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Liu-1*. Applicant has canceled claims 13, 15, 18-19 and 21-23.

Claims 14, 16, 17 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Liu-1* in view *Jang*. Applicant has canceled claims 14, 16, 17 and 20.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

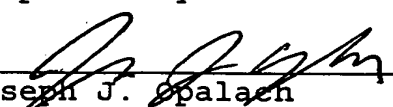
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Respectfully submitted,

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